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[Investigation](#)

Reporting Category

Category	Subcategory	Situation	Victim/Offender Armed?	Weapon Types	Weapon Other	Weapon Recovered?	Deceased?
01B RACIAL / ETHNIC, ETC. -	-	-	-	-	-	-	-

row(s) 1 - 1 of 1

Log No: 1060197 Type:CR

Accused Members

Review Name	Status	Accused Overall Finding	Recommended Penalty	No. of Days	Date/Time Served	Created Date	Complimentary History
View KULBIDA, MICHAEL	CLOSED/FINAL	SUSTAINED	SUSPENSION	2	COMPENSATORY TIME - 2 day(s)	16-FEB-2013	View

row(s) 1 - 1 of 1

Attachments

No.	Type	Related Person	No. of Pages	Narrative	Original in File	Entered By	Entered Date/Time	Status	Approve Content?	Approve Inclusion?
View 1	FACE SHEET	N/A	-	-	-	PRIETO, DENNIS	FEB-16-2013 17:54	-	-	-
View 2	CONFLICT CERTIFICATION	N/A	-	-	-	HIRSCH, STEVEN	FEB-20-2013 11:25	-	-	-
View 3	CONFLICT CERTIFICATION	N/A	-	-	-	DELANEY, RICHARD	FEB-22-2013 11:25	-	-	-
View 4	CONSENT FOR AUDIO RECORDED INTERVIEW	N/A	1	[REDACTED]	-	BROWN, DANITA	MAR-06-2013 08:38	APPROVED	-	YES
View 5	AUDIO INTERVIEW	N/A	1	Digitally Recorded Statement of [REDACTED]	YES	DELANEY, RICHARD	MAR-18-2013 14:18	APPROVED	-	YES
View 6	SWORN AFFIDAVIT FROM COMPLAINANT	N/A	1	[REDACTED]	-	BROWN, DANITA	MAR-06-2013 08:38	APPROVED	-	YES
View 7	TO/FROM REPORT	N/A	2	OUTLINE OAF DIGITALLY RECORDED INTERVIEW OF VICTIM [REDACTED]	-	BROWN, DANITA	MAR-06-2013 08:39	APPROVED	-	YES
View 8	ATTENDANCE AND ASSIGNMENT RECORD	N/A	1	MICHAEL KULBIDA #12036; UNIT 008; CAR# 8694; BEAT 813	-	BROWN, DANITA	MAR-06-2013 08:40	APPROVED	-	YES
View 9	P.C.A.D. (PCAD) REPORTS	N/A	2	UNIT # 813	-	BROWN, DANITA	MAR-06-2013 08:40	APPROVED	-	YES
View 10	REPORT (OTHER)	N/A	2	CLEAR DATA WAREHOUSE PERSONNEL CHECK: JORGE REYES #11843 & MICHAEL KULBIDA #12036	-	BROWN, DANITA	MAR-06-2013 08:42	APPROVED	-	YES
View 11	CONSENT FOR AUDIO RECORDED INTERVIEW	N/A	1	For [REDACTED]	YES	DELANEY, RICHARD	MAR-08-2013 10:05	APPROVED	-	YES
View 12	AUDIO INTERVIEW	N/A	1	Digitally Recorded statement of [REDACTED]	YES	DELANEY, RICHARD	MAR-18-2013	APPROVED	-	YES

View	13	SWORN AFFIDAVIT - NOT REQUIRED	N/A	1	From [REDACTED]	YES	DELANEY, RICHARD	14:24 MAR-08-2013 10:17	APPROVED -	YES
View	14	TO/FROM REPORT	N/A	2	SUMMARIZATION OF DIGITAL RECORDING OF INTERVIEW OF [REDACTED]	-	BROWN, DANITA	MAR-06-2013 08:43	APPROVED -	YES
View	15	REQUEST FOR INTERVIEW/STATEMENT/REPORT	N/A	1	JORGE REYES #11843	-	BROWN, DANITA	MAR-06-2013 08:43	APPROVED -	YES
View	16	AUDIO INTERVIEW	N/A	1	Digitally Recorded Statement of PO J. Reyes	YES	DELANEY, RICHARD	MAR-18-2013 14:28	APPROVED -	YES
View	17	TO/FROM REPORT	N/A	2	Statement Summary Report	YES	DELANEY, RICHARD	MAR-19-2013 09:55	APPROVED -	YES
View	18	REQUEST FOR INTERVIEW/STATEMENT/REPORT	N/A	1	MICHAEL KULBIDA #12036	-	BROWN, DANITA	OCT-22-2013 14:47	APPROVED -	YES
View	19	REQUEST FOR INTERVIEW/STATEMENT/REPORT	N/A	1	MICHAEL KULBIDA #12036	-	BROWN, DANITA	OCT-22-2013 14:47	APPROVED -	YES
View	20	NOTIFICATION OF CHARGES/ALLEGATIONS	N/A	1	MICHAEL KULBIDA #12036	-	BROWN, DANITA	OCT-22-2013 14:49	APPROVED -	YES
View	21	ADMINISTRATIVE PROCEEDINGS RIGHTS	N/A	1	MICHAEL KULBIDA #12036	-	BROWN, DANITA	OCT-22-2013 14:50	APPROVED -	YES
View	22	WAIVER OF COUNSEL/REQUEST TO SECURE COUNSEL	N/A	1	MICHAEL KULBIDA #12036	-	BROWN, DANITA	OCT-22-2013 14:51	APPROVED -	YES
View	23	AUDIO RECORDING	N/A	1	Digitally Recorded statement of PO M. Kulbida, #12036	YES	DELANEY, RICHARD	MAY-18-2015 10:50	APPROVED -	YES
View	24	REPORT (OTHER)	N/A	2	T/F - Statement Summary for PO Kulbida	YES	DELANEY, RICHARD	MAY-18-2015 11:53	APPROVED -	YES
View	25	DEPARTMENT DIRECTIVE OR GENERAL ORDER	N/A	8	SO4-14-09; ILLINOIS TRAFFIC STOP STATISTICAL STUDY; PRELIMINARY INVESTIGATIONS	-	BROWN, DANITA	OCT-22-2013 14:54	APPROVED -	YES
View	26	CONFLICT CERTIFICATION	N/A	1	For Sup. Finnell	YES	DELANEY, RICHARD	OCT-23-2013 12:07	APPROVED -	YES
View	27	CONFLICT CERTIFICATION	N/A	-	-	-	SERIO, ALEXIS	MAY-14-2015 15:52	-	-
View	28	COMPLAINANT STATEMENT	N/A	21	Transcribed Statement of [REDACTED]	YES	DELANEY, RICHARD	MAY-18-2015 09:58	APPROVED -	YES
View	29	REPORT (OTHER)	N/A	17	Transcribed Statement of [REDACTED] (Witness)	YES	DELANEY, RICHARD	MAY-18-2015 10:11	APPROVED -	YES
View	30	STATEMENT OF POLICE OFFICER	N/A	13	Transcribed Statement of Witness PO J. Reyes, #11843	YES	DELANEY, RICHARD	MAY-18-2015 10:20	APPROVED -	YES
View	31	STATEMENT OF POLICE OFFICER	N/A	18	Transcribed Statement of Accused PO M. Kulbida, #12036	YES	DELANEY, RICHARD	MAY-18-2015 10:28	APPROVED -	YES
View	32	INVESTIGATOR CASE LOG	N/A	3	-	YES	DELANEY, RICHARD	MAY-18-2015 10:32	APPROVED -	YES
View	-	DISCIPLINARY HISTORY	N/A	2	-	NO	ANDO, SCOTT	MAY-21-2015 15:28	APPROVED -	YES
View	-	SUMMARY REPORT DIGEST	N/A	7	SRD by Inv. R.	NO	ANDO,	MAY-21-	APPROVED -	YES

			Delaney	SCOTT	2015 15:29					
View	-	REPORT (OTHER)	ACCUSED - KULBIDA, MICHAEL	2	REQUEST FOR REVIEW OF DISCIPLINE- Kulbida made no election	NO	MCGHEE, CYNTHIA	OCT-27-2015 17:04	APPROVED -	YES
View	-	REPORT (OTHER)	ACCUSED - KULBIDA, MICHAEL	2	Corrected REQUEST FOR REVIEW OF DISCIPLINE- Kulbida accepted penalty	NO	MCGHEE, CYNTHIA	OCT-27-2015 17:01	APPROVED -	YES

row(s) 1 - 36 of 36

Internal Use Only

No Internal Use Only attachments available.

Print Accused Appeal Forms

No Accused Appeal forms available for this Log No.

Related Incidents[TIP](#) Related Incidents listed below are for reference only. These may be viewed using the related application search screens.

No Related Incidents associated with this Log No.

Status History[TIP](#) Every employee included in the Status History is subject to be called for legal or administrative proceedings.

Resulting Status	Status Date/Time	Created By	Position	Employee No.	Assigned/ Detailed Unit	Comments
CLOSED/FINAL	24-MAR-2016 09:19	MCGHEE, CYNTHIA	CLERK 3	██████	113 / -	SYSTEM FAILED TO CLOSED/FINAL. MANUAL CLOSE
PENDING FINANCE DIVISION RESPONSE	27-OCT-2015 17:06	MCGHEE, CYNTHIA	CLERK 3	██████	113 / -	-
PENDING REVIEW AFTER SUPERINTENDENT DECISION	30-JUL-2015 10:59	ROUSSELL, JAMES	SUPT'S CHIEF OF STAFF	██████	111 / -	-
PENDING SUPERINTENDENT DECISION	15-JUL-2015 12:14	MC NAUGHTON, DAVID	DEP CHIEF	██████	211 / -	-
PENDING COMMAND CHANNEL REVIEW	01-JUL-2015 16:48	O DONNELL, JAMES	COMMANDER	██████	008 / -	-
PENDING COMMAND CHANNEL REVIEW	11-JUN-2015 14:26	COSTELLO, ROBERT	SERGEANT OF POLICE	██████	004 / 121	-
PENDING ADVOCATE REVIEW	10-JUN-2015 14:03	NIETO, LOURDES	POLICE OFFICER	██████	121 / -	-
PENDING REVIEW INCIDENT (I.A.D./DISTRICT USE)	22-MAY-2015 17:23	MCGHEE, CYNTHIA	CLERK 3	██████	113 / -	-
CLOSED AT C.O.P.A.	22-MAY-2015 17:21	MCGHEE, CYNTHIA	CLERK 3	██████	113 / -	-
PENDING REVIEW INCIDENT (C.O.P.A. USE ONLY)	21-MAY-2015 15:43	ANDO, SCOTT	ADMIN. IN CHARGE COPA	██████	113 / -	-
PENDING CHIEF ADMINISTRATOR REVIEW	21-MAY-2015 15:31	ANDO, SCOTT	ADMIN. IN CHARGE COPA	██████	113 / -	-
PENDING C.O.P.A. COORDINATOR REVIEW	19-MAY-2015 10:47	SERIO, ALEXIS	SUPERVISING INV COPA	██████	113 / -	-
PENDING INVESTIGATIVE REVIEW	19-MAY-2015 10:45	DELANEY, RICHARD	INVESTIGATOR 2 COPA	██████	113 / -	-
PENDING ADDITIONAL INVESTIGATION	19-MAY-2015 10:43	WEEDEN, WILLIAM	DEPUTY CHIEF ADMINISTRATOR	██████	113 / -	-
PENDING INVESTIGATION	19-MAY-2015 09:43	ANDO, SCOTT	ADMIN. IN CHARGE COPA	██████	113 / -	-

PENDING C.O.P.A. COORDINATOR REVIEW	18-MAY-2015 16:07	SERIO, ALEXIS	SUPERVISING INV COPA	████	113 / -	-
PENDING INVESTIGATIVE REVIEW	18-MAY-2015 16:01	DELANEY, RICHARD	INVESTIGATOR 2 COPA	████	113 / -	-
PENDING INVESTIGATION	18-MAY-2015 16:00	STOUTENBOROUGH, ANDREA	SUPERVISING INV COPA	████	113 / -	-
PENDING INVESTIGATION	18-MAY-2015 10:45	SERIO, ALEXIS	SUPERVISING INV COPA	████	113 / -	-
PENDING INVESTIGATIVE REVIEW	18-MAY-2015 10:32	DELANEY, RICHARD	INVESTIGATOR 2 COPA	████	113 / -	-
PENDING INVESTIGATION	14-MAY-2015 15:52	SERIO, ALEXIS	SUPERVISING INV COPA	████	113 / -	-
PENDING ASSIGN INVESTIGATOR	14-MAY-2015 09:09	WEEDEN, WILLIAM	DEPUTY CHIEF ADMINISTRATOR	████	113 / -	-
PENDING INVESTIGATION	12-MAY-2015 18:22	ANDO, SCOTT	ADMIN. IN CHARGE COPA	████	113 / -	-
PENDING CHIEF ADMINISTRATOR REVIEW	11-MAY-2015 08:40	WEEDEN, WILLIAM	DEPUTY CHIEF ADMINISTRATOR	████	113 / -	-
PENDING C.O.P.A. COORDINATOR REVIEW	28-OCT-2013 10:12	FINNELL, ANTHONY	SUPERVISING INV COPA	████	113 / -	-
PENDING INVESTIGATIVE REVIEW	28-OCT-2013 09:14	DELANEY, RICHARD	INVESTIGATOR 2 COPA	████	113 / -	-
PENDING INVESTIGATION	20-FEB-2013 11:25	HIRSCH, STEVEN	SUPERVISING INV COPA	████	113 / -	-
PENDING ASSIGN INVESTIGATOR	19-FEB-2013 19:55	STOUTENBOROUGH, ANDREA	SUPERVISING INV COPA	████	113 / -	Type Changed from INFO to CR on 19-FEB-2013 19:55 by STOUTENBOROUGH, ANDREA Affidavit information for this Log Number has changed on 19-FEB-2013 19:55 by STOUTENBOROUGH, ANDREA
PENDING ASSIGN TEAM	19-FEB-2013 19:53	STOUTENBOROUGH, ANDREA	SUPERVISING INV COPA	████	113 / -	-
PENDING SUPERVISOR REVIEW	19-FEB-2013 19:53	STOUTENBOROUGH, ANDREA	SUPERVISING INV COPA	████	113 / -	-
PRELIMINARY	19-FEB-2013 19:52	STOUTENBOROUGH, ANDREA	SUPERVISING INV COPA	████	113 / -	typo
PENDING ASSIGN TEAM	19-FEB-2013 09:27	DAUN, SHERRY	SUPERVISING INV COPA	████	113 / -	Type Changed from CR to INFO on 19-FEB-2013 09:27 by DAUN, SHERRY
PENDING SUPERVISOR REVIEW	16-FEB-2013 18:08	PRIETO, DENNIS	INVESTIGATOR 2 COPA	████	113 / -	-
PRELIMINARY	16-FEB-2013 17:54	PRIETO, DENNIS	INVESTIGATOR 2 COPA	████	113 / -	-

row(s) 1 - 34 of 34

Command Channel Reviewers

Accused Name	Sequence No.	Reviewer
KULBIDA, MICHAEL 1		O DONNELL, JAMES
KULBIDA, MICHAEL 2		MC NAUGHTON, DAVID

row(s) 1 - 2 of 2



SUMMARY REPORT DIGEST

CHICAGO POLICE DEPARTMENT

LOG NO
1060197TYPE
CRDATE OF REPORT
23-OCT-2013

INSTRUCTIONS: To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED, NO AFFIDAVIT, or in SUSTAINED cases where the Disciplinary Recommendation does not exceed Five (5) DAYS SUSPENSION.

TO: CHIEF ADMINISTRATOR, INDEPENDENT POLICE REVIEW AUTHORITY

FROM - INVESTIGATOR'S NAME	RANK	STAR NO	EMPLOYEE NO	UNIT ASSIGNED	UNIT DETAILED
DELANEY, RICHARD	9182			113	

REFERENCE NOS.(LIST ALL RELATED C.L., C.B., I.R., INVENTORY NOS., ETC., PERTINENT OF THIS INVESTIGATION)

INCIDENT ADDRESS: 6400 S. KARLOV AVE, CHICAGO, IL 60629	DATE / TIME: 16-FEB-2013 13:02	BEAT: 813
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ACCUSED

NAME	RANK	STAR NO	EMP NO	UNIT ASSIGNED	UNIT DETAILED	SEX/RACE	DOB	APPOINTED DATE	ON DUTY ?	SWORN ?
KULBIDA, MICHAEL W	9161	12036		008		M / WHI	1961	02-MAY-1994	YES	YES

REPORTING PARTY

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
		CHICAGO, IL		M / WWW	1976 / 37
DELANEY, RICHARD	1615 W. CHICAGO AVE APT NO. 4TH FLOOR CHICAGO, IL		312-746-3594	M / WHI	1970 / 43

VICTIMS

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
		CHICAGO, IL		M / WWW	1976 / 37

WITNESSES

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
		CHICAGO, IL		F / WWW	1982 / 31
REYES, JORGE	RANK: 9161, STAR NO: 11843, EMP NO:			M / S	1977 / 36

* IF CPD MEMBER, LIST RANK, STAR, EMPLOYEE NOS. IN ADDRESS, PAX/BELL IN TELEPHONE BOX.

ALLEGATIONS

On 16 FEB 13, at 1754 hours, the Complainant, filed this complaint with IPRA Investigator Dennis Prieto. alleged that on 16 Feb 13, at 1330 hours, at 6400 S. Karlov, during the course of a traffic stop, **Officer Michael Kulbida, #12036, 008th District:**

- Made ethnically offensive comments to by stating words to the effect of, "You guys run stop signs and kill people in accidents, and then it's real easy for you guys to run down to Gaudalajara, and you guys are never seen or heard from again."

It is also alleged, by IPRA Investigator Richard Delaney, #128, during the course of the same incident **Officer Kulbida:**

- Failed to document the traffic stop by completing a Traffic Stop Statistical Study – Driver Information Card as required by Special Order S04-14-09.

SUMMARY

SEE ATTACHED REPORT

ATTACHMENTS

INVESTIGATIVE REPORTS - SUPPORTING ALLEGATIONS LIST ATTACHMENTS NUMBER	INVESTIGATIVE REPORTS - SUPPORTING ACCUSED MEMBERS(S) LIST ATTACHMENTS NUMBER:	PHYSICAL EVIDENCE LIST ATTACHMENTS NUMBERS:	TOTAL NUMBER OF ATTACHMENTS SUBMITTED WITH THIS FILE:
7, 14, 17	24	- 0 -	27

FINDINGS - RECOMMENDATIONS

ACCUSED OFFICER:

Allegations: #1 & #2

Michael Kulbida, #12036

Sustained

 #28

Approved – Supervisor, IPRA

DATE INITIATED
(Date incident was received for investigation)

20-FEB-2013

DATE COMPLETED (Date of this report)

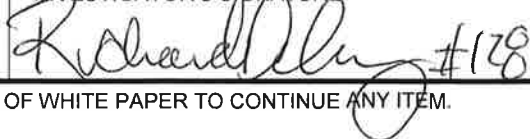
23-OCT-2013

ELAPSED TIME
(Total time expressed in days)

245

Investigator will initiate the Command Channel Review form by
completing the Investigator's Section.

INVESTIGATOR'S SIGNATURE

 #128

IF NECESSARY, USE AN 8 1/2 x 11" SHEET OF WHITE PAPER TO CONTINUE ANY ITEM.

INVESTIGATION:

In his statement to IPRA on 19 FEB 13, [REDACTED] the complainant, stated that on 16 FEB 13, at approximately 1330 hours, he was in his vehicle with his girlfriend, [REDACTED]. He was the subject of a traffic stop by a Chicago Police Officer¹ for failing to stop at a stop sign at 64th Street and Karlov Avenue. Officer Kulbida approached his vehicle, asked for his driver's license and proof of insurance, and then returned to the squad car. A few moments later, Officer Kulbida returned to [REDACTED] car, returned his documents, and stated, "You guys run stop signs and kill people in accidents and then it's real easy for you guys to run down to Guadalajara, and then you guys are never seen or heard from again." Officer Kulbida then instructed [REDACTED] to leave the scene. Upon inquiry, [REDACTED] stated that Officer Kulbida's squad car was displaying beat tag 813 and Pummill told him she observed Officer Kulbida's name displayed on his name tag.

[REDACTED] then drove to his mother's house and spoke with his brother, Chicago Police Officer Jorge Reyes,² about this incident. Officer Reyes contacted the 008th District Station and spoke with Officer Kulbida via telephone. He confronted Officer Kulbida regarding the remarks he made to his brother. Officer Kulbida then repeated to Officer Reyes what he said to [REDACTED] and the two officers argued about the remarks. After the conversation ended, Officer Reyes told [REDACTED] what Officer Kulbida had said to him. Upon inquiry, [REDACTED] indicated that his brother spoke to Officer Kulbida from another room in the house and he did not actually hear the conversation between the two of them.³ (Atts. #7, 28).

In her statement to IPRA on 28 FEB 13, [REDACTED] the witness, provided essentially the same account of the incident as [REDACTED]. She indicated that after Officer Reyes spoke to Officer Kulbida about this incident, Officer Reyes indicated that Officer Kulbida initially denied making any inappropriate comments. When pressed about the incident, however, Officer Kulbida stated to him, "People like to kill people and then run across the border." (Atts. #14, 29)

In his statement to IPRA on 14 MAR 13, **Officer Jorge Reyes, #11843**, stated that he was off-duty on 16 FEB 13. He was at his mother's house when [REDACTED] his brother, arrived and told him that he had just been stopped by a Chicago Police Officer for failing to stop at a stop sign. He said [REDACTED] told him he subsequently produced his driver's license and proof of insurance upon request and the officer took them back to

1. This officer was identified as the accused, Officer Michael Kulbida, #12036.

2. An Alpha-Star query revealed that Jorge Reyes, #11843, is assigned to the 012th District Station but detail to the 008th District Station.

3, [REDACTED] stated that his brother told him that Officer Kulbida said, "That's the problem with you people. You run stop signs and kill people and then it's real easy for you guys to run south of the border and never been seen from again."

INDEPENDENT POLICE REVIEW AUTHORITY
Summary Report

Log 1060197

his squad car. A few moments later, the officer returned to [REDACTED] vehicle and stated, "I don't care what happens to you, but if you pass a stop sign and kill somebody, it will be easy for you to go back to Guadalajara or where ever it is that you came from." Officer Reyes asked his brother if he knew the name of the officer, but [REDACTED] only provided the officer's beat tag as 813. Officer Reyes then questioned his brother as to whether or not he made any comment to the officer who stopped him, and [REDACTED] said that he did not. Upon inquiry, Officer Reyes stated that he was bothered by the comment made by the officer who stopped his brother as it was unprofessional. He added that he felt the comment was inappropriate and unnecessary because the accused officer was stereotyping his brother, as not all Hispanics are from Mexico or here illegally.

Officer Reyes then called the 008th District Station and learned that Officer Kulbida was assigned to Beat 813. Upon speaking with Officer Kulbida, Officer Reyes told him what [REDACTED] had said to him and asked if he made such a comment. Officer Kulbida responded by saying that he did not, but said, "What I did say is, that if you run a stop sign and kill somebody it will be easy for you to go back across the border to Mexico." Officer Reyes told Officer Kulbida that he would appreciate it if he kept his comments to himself and only issue [REDACTED] a ticket if warranted. Once the conversation concluded, Officer Reyes told his brother what Officer Kulbida had said. (Atts. #17, 30)

Attendance and Assignment Records for 16 FEB 13, reflect that Officer Kulbida was working Beat 813, second watch, on the date of this incident. An OEMC Unit query notes that he conducted a traffic stop of [REDACTED] at approximately 1330 hours. (Att #8, 9)

Special Order 04-14-09, Section V, Paragraph D, part states: "...[W]hen a member initiates a traffic stop which does not result in the issuance of a Personal Service citation for an Illinois Vehicle Code, Traffic Code of Chicago, or compliance violation, Department Members will complete a Traffic Stop Statistical Study – Driver Information Card..." (Att #25)

A search of the **CLEAR** computer database did not locate any documentation of the traffic stop made by Officer Kulbida involving [REDACTED] (Att #27)

In his statement to IPRA on 21 OCT 13, **Officer Michael Kulbida, #12036**, the accused, stated that on 16 FEB 13, at 1330 hours, he was on duty, working second watch, assigned to Beat 813. He was in uniform and in a marked vehicle, but was working without a partner. While on patrol, he observed a vehicle run a stop sign at 63rd Street and Karlov Avenue, and again at 64th Street and Karlov Avenue. He subsequently curbed the offending vehicle and approached the driver.⁴ He informed Reyes of the reason for the

4. The driver was identified as the complainant, [REDACTED] Officer Kulbida indicated that he did not recall if there was a passenger in the vehicle at that time.

INDEPENDENT POLICE REVIEW AUTHORITY
Summary Report

Log 1060197

stop and asked for his license and insurance card, but had no further conversation with him and returned to the police vehicle in order to run a name check. Once the name check was returned as clear, he returned to [REDACTED] vehicle and gave him a verbal warning. He told [REDACTED] to be mindful of stop signs, but [REDACTED] did not offer a reply. Upon inquiry, Officer Kulbida stated that when he warned [REDACTED] of his dangerous driving, he specifically commented about the laws in "this country." He went on to say that he specifically told [REDACTED] that if he was to hit someone due to his erratic driving, [REDACTED] would "probably...flee this country, as that's what people do." Officer Kulbida indicated that he made this statement based upon his experience with the department.

Officer Kulbida then sent [REDACTED] on his way and later returned to the district station at the end of his shift. Once at that location, he spoke to Officer Jorge Reyes, [REDACTED] brother, via telephone. Officer Reyes subsequently called him a racist and told him not to "refer to people that way." He responded by asking Officer Reyes why he was calling him a racist. Officer Reyes stated that Officer Kulbida told [REDACTED] that if [REDACTED] runs stop signs, [REDACTED] would hit and kill someone, and then flee to Guadalajara. Officer Kulbida, however, denied making such a statement and had no further contact with either Officer or [REDACTED]. Upon inquiry, Officer Kulbida denied the verbal allegations made against him but indicated that upon reviewing Department's General Order regarding the Traffic Stop Statistical Study, he was unaware that he did not have any discretion regarding the documentation this traffic stop. Officer Kulbida concluded the statement by stating that he was not a racist. (Atts. #24, 31)

CONCLUSION:

The R/I recommends a finding of **SUSTAINED** for the allegation that Officer Michael Kulbida, #12036, made ethnically offensive comments to [REDACTED] by stating words to the effect of, "You guys run stop signs and kill people in accidents, and then it's real easy for you guys to run down to Guadalajara, and you guys are never seen or heard from again." This investigation revealed evidence showing that Officer Kulbida made ethnically offensive comments to [REDACTED] during the course of this traffic stop that was the basis for this complaint. The accounts of [REDACTED] and [REDACTED] are consistent regarding what Officer Kulbida said to [REDACTED] during their brief interaction. Officer Reyes' account of the incident lends support to the accounts of the aforementioned individuals. Although what Officer Kulbida said to him is slightly different than what he said to [REDACTED] and Pummill, what he indicated he said clearly shows use of ethnically inappropriate comments.

Officer Kulbida denied that he made ethnically offensive comments as alleged but his account of the incident shows otherwise. When questioned about what he said to [REDACTED] during this incident, he indicated that he commented about laws in "this country" and that if [REDACTED] struck someone with his vehicle, he "probably [would] flee

INDEPENDENT POLICE REVIEW AUTHORITY
Summary Report

Log 1060197

this country, as that's what people do." The use of such terms was clearly stereotyping of [REDACTED] by Officer Kulbida, and thus completely inappropriate.

The R/I recommends a finding of **SUSTAINED** for the allegation that Officer Kulbida, #12036, failed to document this traffic stop by completing a Traffic Stop Statistical Survey Card. Officer Kulbida stated that he believed that, upon reading the Special Order regarding the completion of the aforementioned document, he believed that he had discretion regarding as to whether or not to complete one. The language of the Special Order, however, is clear that it directs an officer to complete the form when a traffic stop does not result in any enforcement action taken against or a citation issued to the motorist.

INDEPENDENT POLICE REVIEW AUTHORITY
Summary Report

Log 1060197

FINDINGS:

Accused #1: Officer Michael Kulbida, #12036, Unit 008

Allegation #1: **Sustained** – Violation of Rule #8, “Disrespect to or maltreatment of any person, while on or off-duty,” in that on 16 FEB 13, at 1330 hours, at the location of 6400 S. Karlov Avenue, Officer Kulbida did make ethnically offensive comments by stating words to the effect of, “You guys run stop signs and kill people in accidents, and then it’s real easy for you guys to run down to Guadalajara, and you guys are never seen or heard from again.”

Allegation #2: **Sustained** – Violation of Rule #10, “Inattention to Duty,” in that on 16 FEB 13, at 1330 hours, Officer Kulbida failed to complete a Traffic Stop Statistical Survey Card for the traffic stop of [REDACTED]
[REDACTED]